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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 4282 of 2007

PETITIONER

Soni Lal Shrivastava, s/o late Shyam Lal Shrivastava, aged about 49 years, At present resident of Jail Line, Jagdalpur, Permanent resident of village Sendri, P.S. Pathariya, Tahsil Mungeli, District Bilaspur (C.G)

Versus

RESPONDENTS

1. State of Chhattisgarh, through The Secretary Department of Home (Jail), D.K.S. Bhawan, Raipur (CG)
2. Jail Mahanirikshak, Jail Mukhyalaya, Raipur, Tahsil & Distt. Raipur (C.G).
3. Jail Superintendent, Central Jail Jagdalpur, Distt. Jagdalpur (C.G).
4. Onkar Prasad, Prahari, Sub-jail Dantewada, Distt. Dantewada (C.G)

Appearance:

Shri Gautam Khetrapal, counsel for the petitioner.

Shri Ashutosh Singh Kachhawaha, Govt. Advocate with Shri Ajay Dwivedi, Panel Lawyer for the State/respondents No.1 to 3 on advance copy.

ORAL ORDER

(24.07.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, a Jail Prahari, has been transferred from Central Jail, Jagdalpur (Bastar) to Sub-jail Dantewada (South Bastar) by the impugned order dated 07.07.2007 (*Annexure P-1*). Learned counsel for the petitioner submits that a representation of the petitioner is pending before the concerned authorities since 2004 (*Annexure P-3*), in which the petitioner has prayed for his transfer to Raipur area, but without considering his

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representation, he has been transferred from Jagdalpur to Dantewada.

Needless to say, this is not a ground for interfering with an order of transfer. The transfer is an exigency of service and the person who is working on a transferable post cannot insist his transfer to a particular place. It is the outlook and discretion of the employer to see as to which person shall be posted at which place for better functioning of the department concerned. The transfers can only be interfered when they are challenged on the ground of *malafides*, extraneous considerations or when they are made against the Act or the Rules applicable in case of particular employees. Since no such grounds have been argued before this Court pertaining to the said transfer of the petitioner, I do not find it appropriate to interfere with the order passed by the concerned authority vide Annexure P-1.

There appears to be no merit in this petition. It is not worth admission and is accordingly dismissed at the motion stage itself. However, looking to the contents of the representations Annexure P-3 & P-4, it is ordered and directed that if these representations have not been decided till date, they shall be decided within a period of one month from the date of production/receipt of certified copy of this order along-with a copy of the writ petition and the result shall be communicated to the petitioner.

C.c. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Rao